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EX(3)70pml

PATENT  
Docket No.: 57953/1180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Benfey et al. )  
Serial No. : 09/578,827 )  
Cnfrm. No. : 5552 )  
Filed : May 24, 2000 )  
For : SHORT-ROOT GENE, PROMOTER, AND )  
USES THEREOF )

Examiner:  
C. Collins

Art Unit:  
1638

TECH CENTER 1600/2900

APR 04 2003

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NOTICE OF APPEAL  
AND  
REQUEST FOR THREE-MONTH EXTENSION OF TIME

U.S. Patent and Trademark Office  
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Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated September 27, 2002, finally rejecting claims 22-25, 27, and 31-33.

Enclosed is a check to cover the \$160.00 appeal fee.

Applicants hereby request an extension of time of three months from the due date of December 27, 2002. A check to cover the \$465.00 three-month extension of time fee is enclosed.

Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

04/02/2003 CNGUYEN 00000061 09578827

01 FC:2253  
02 FC:2401

465.00 OP  
160.00 OP

Respectfully submitted,

Dated: March 27, 2003

Michael L. Goldman  
Registration No. 30,727

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1304  
Facsimile: (585) 263-1600

R673772.1

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office P.O. BOX 2327 Arlington, VA 22202, on the date below.	
Date	March 27, 2003
	Jo Ann Whalen